

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
NEWMAN DIVISION**

CHELSEA CHANEY,)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE NO.
v.)	
)	_____
FAYETTE COUNTY SCHOOL DISTRICT))	
and CURTIS R. CEARLEY,)	
)	
Defendants.)	

**DEFENDANT FAYETTE COUNTY SCHOOL DISTRICT'S MOTION TO
DISMISS FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF
CAN BE GRANTED PURSUANT TO RULE 12(b)(6) OF THE FEDERAL
RULES OF CIVIL PROCEDURE**

COME NOW Defendant Fayette County School District (hereafter "School District") and Defendant Curtis R. Cearley solely in his official capacity and move for dismissal of Plaintiff's Complaint for the reason that it fails to state a claim for the violation of any federal law or constitutional right upon which relief can be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. The School District and Defendant Cearley in his official capacity further contend that all of the state tort claims that Plaintiff's Complaint purports to bring against the

School District and Defendant Cearley in his official capacity are barred by the doctrine of sovereign immunity provided by Georgia's Constitution.

The grounds for this motion are set forth in the accompanying Brief in Support of Defendant's Motion to Dismiss.

Respectfully submitted this 24th day of May, 2013.

HARBEN, HARTLEY & HAWKINS, LLP

s/Phillip L. Hartley

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CERTIFICATE OF SERVICE

I hereby certify that on the 24th day of May, 2013, I electronically filed the *Defendant Fayette County School District's Motion to Dismiss for Failure to State a Claim upon which Relief Can Be Granted Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure* with the Clerk of Court using the CM/ECF system which will automatically send e-mail notification of such filing to the following attorneys of record: N/A.

I hereby certify that I have mailed by United States Postal Service the document to the following attorneys of record:

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This 24th day of May, 2013.

HARBEN, HARTLEY & HAWKINS, LLP

s/Phillip L. Hartley
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